

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: OnStar Contract Litigation

Case No. 2:07-MDL-01867

Honorable Sean F. Cox

**ORDER OVERRULING “ONSTAR LLC’S OBJECTION TO ORDER OF
MAGISTRATE” (DOCKET ENTRY NO. 226)**

Plaintiffs filed a motion to compel production of documents from Defendant OnStar. Pursuant to 28 U.S.C. § 636(B)(1)(A), the motion was referred to the Magistrate Judge Paul Komives for hearing and determination. Following full briefing by the parties and oral argument, Magistrate Judge Komives issued an Opinion & Order on October 20, 2009 deeming Plaintiffs’ motion resolved in part and granting the motion in part.

Thereafter, OnStar filed a Motion for Reconsideration of that Opinion & Order, which Magistrate Judge Komives denied in an Opinion & Order issued on March 12, 2010.

The matter is now before this Court on OnStar’s objection to the October 20, 2009 Order. (Docket Entry No. 226). OnStar objects to that portion of the October 20, 2009 Opinion & Order that directs OnStar to produce documents responsive to Plaintiffs’ Request for Production No. 11. In objecting to that portion of the Opinion & Order, OnStar notes that discovery in this action was bifurcated. OnStar contends that while the documents sought may be relevant to the merits of Plaintiffs’ claims, the documents are not relevant to class certification.

Having reviewed Plaintiffs’ underlying motion, the subsequent Opinion & Orders issued by Magistrate Judge Komives, and OnStar’s Objection, the Court finds that Magistrate Judge

Komives' ruling was not clearly erroneous or contrary to law.¹ The Court shall therefore

OVERRULE OnStar's objection and shall **AFFIRM** the October 20, 2009 Order.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 14, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 14, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager

¹A district court judge may designate a magistrate judge to hear and determine pretrial matters pursuant to 28 U.S.C. §636(b)(1). When a magistrate judge hears and determines a non-dispositive motion (*i.e.*, one that is not enumerated in §636(b)(1)(A)), the district judge to whom the case is assigned may reconsider the order addressing that motion "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." *Id.*; *see also* FED. R. CIV. P. 72.